

U.S. Serial No. 09/847,048  
Attorney Docket No. P-091-US1  
Customer No. 27038  
Page 5

### III. Remarks

Applicants respectfully request reconsideration of this application in view of the above amendments and the following remarks.

#### 1. Status of the Claims

Claims 13, 14, 16, 17, and 20-23 are currently pending in this application for examination on the merits.

#### 2. Summary of the Amendments

Claims 13 and 14 have been amended to delete the "substituted" groups from the definitions for R<sup>a</sup> and R<sup>h</sup>.

Claims 20 and 21 have been amended to indicate that the recited method "effectively treats the bacterial disease." Support for this amendment is found, for example, on page 15, line 12.

Entry of these amendments is respectfully requested.

#### 3. Rejections Under 35 U.S.C. § 112, First Paragraph

The Examiner has rejected Claims 13, 14, 16-17 and 20-23 under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. For the following reasons, this rejection is respectfully traversed.

The Examiner has indicated that the specification is enabling for those structures in which R<sup>a</sup> and R<sup>h</sup> have a defined structure, but that it allegedly does not reasonably provide enablement for structures in which R<sup>a</sup> and R<sup>h</sup> are substituted groups where the structure of the substituent is not specifically defined. See Office Action at page 2, last paragraph.

While not agreeing with the Examiner, Applicants have amended the claims to delete the "substituted" groups from the definitions for R<sup>a</sup> and R<sup>h</sup>. Accordingly, since the Examiner has indicated that the specification is enabling for the remaining groups, this rejection may be withdrawn.

U.S. Serial No. 09/847,048  
Attorney Docket No. P-091-US1  
Customer No. 27038  
Page 6

4. Rejections Under 35 U.S.C. § 112, Second Paragraph

The Examiner has rejected Claims 13, 14, 16-17 and 20-23 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Specifically, the Examiner has indicated that Claims 13, 14, 16-17 and 20-23 are indefinite because of the use of the term "substituted alkylene" or other cited substituted groups. In response, Applicants have amended to claims to delete the "substituted" groups. Accordingly, this rejection may be withdrawn.

Additionally, the Examiner has indicated that Claims 20 and 21 are indefinite because the claims allegedly lack an essential step in the method of treating a mammal having a bacterial disease. Specifically, the Examiner has indicated that the outcome of the treatment is allegedly omitted.

In response, Applicants have amended Claims 20 and 21 to indicate that the recited method "effectively treats the bacterial disease." Accordingly, this rejection may be withdrawn.

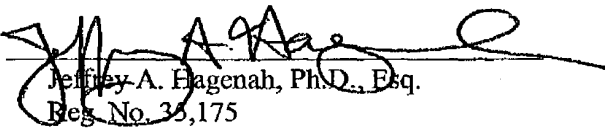
In view of the amendments to the claims, Applicants respectfully request that the rejection of Claims 13, 14, 16-17 and 20-23 under 35 U.S.C. § 112, second paragraph, be withdrawn.

Applicants respectfully submit that the pending claims in this application are now in condition for allowance and notification to that effect is requested. Should there be any remaining issues that can be resolved by telephone, the Examiner is invited to telephone the undersigned attorney at (650) 808-6406.

Respectfully submitted,

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